

2018 No. 568

EDUCATION, ENGLAND

The Diocese of Lichfield (Educational Endowments) (West Felton Church of England Primary School) Order 2018

Made - - - -

3rd May 2018

Coming into force in accordance with article 1

It has been shown to the satisfaction of the Secretary of State for Education (“the Secretary of State”) that the part of the endowment of the educational foundation known as the West Felton Church of England Primary School, Shropshire that relates to the former teacher’s house is or has been held in connection with the provision of religious education in accordance with the tenets of the Church of England at a voluntary school, the premises of which have ceased to be used for the purposes of such a school.

The endowment is comprised in the deed of the foundation dated 20th December 1871 and made between the Reverend Thomas Mainwaring Bulkley Owen and the Vicar and Church Wardens of the Parish of West Felton.

The assets representing the part of the endowment relating to the former teacher’s house consist of: (a) the net proceeds of sale of the former teacher’s house, comprised in the deed of the foundation and held on deposit at the Church of England Central Board of Finance Deposit Account (being the sum of £127,638.84); and (b) any income derived from those proceeds of sale before the coming into force of this Order.

An application for an Order making new provision as to the use of the part of the endowment has been made to the Secretary of State by the Lichfield Diocesan Board of Education, which body appears to the Secretary of State to be the appropriate authority of the Church of England for this purpose.

Notice of the proposed order and of the right of persons interested to make representation on it has been given in the manner required by section 555(2) and (3) of the Education Act 1996(a).

No representations have been made on the proposed Order.

A trust under section 1 of the Reverter of Sites Act 1987(b) has arisen in relation to the assets of the part of the endowment and the Secretary of State is satisfied that all reasonably practicable steps to trace any person who is or may become entitled as a beneficiary under the trust have been taken and that there is no claim by any such person which is outstanding or which has at any time

(a) 1996 c. 56.

(b) 1987 c. 15. Section 1 was amended by Schedule 2 to the Trusts of Land and Appointment of Trustees Act 1996 (c.47).

been accepted as valid by the trustee or by persons whose acceptance binds or will bind the trustee, or which has been upheld in proceedings that have been concluded (within the meaning of that Act).

Accordingly, the Secretary of State makes the following Order in exercise of the powers conferred by sections 554 and 556 of the Education Act 1996^(a) and section 5(1) of the Reverter of Sites Act 1987^(b).

Citation and Commencement

1. This Order may be cited as the Diocese of Lichfield (Educational Endowments) (West Felton Church of England Primary School) Order 2018 and comes into force on the day after the day on which it is made (“the operative date”).

Interpretation

2. In this Order—

“the deed” means the deed of the foundation dated 20th December 1871 and made between the Reverend Thomas Mainwaring Bulkley Owen and the Vicar and Church Wardens of the Parish of West Felton;

“the endowment” means the part of the endowment of the educational foundation known as West Felton Church of England Primary School comprised in the deed and that relates to the former teacher’s house;

“the foundation” means the educational foundation known as West Felton Church of England Primary School;

“the Diocesan Board” means the Lichfield Diocesan Board of Education;

“trust assets” means the sum of £127,638.84 held on deposit at the Central Board of Finance of the Church of England Deposit Account representing the proceeds of sale of the premises of the teacher’s house together with any income derived therefrom (whether before or after the operative date).

Extinguishment of rights under a Reverter of Sites Act trust

3. The rights of any person who is or may become entitled as a beneficiary under the trust which has arisen by virtue of section 1 of the Reverter of Sites Act 1987 in respect of the trust assets are extinguished.

Division of foundation and trust assets

4.—(1) The trust assets must be divided into two separate trust funds, namely—

- (a) the West Felton Church of England Primary School Fund (“the School Fund”) comprising eleven fourteenths of the trust assets; and
- (b) the West Felton Church of England Primary School Religious Education Fund (“the Religious Education Fund”) comprising three fourteenths of the trust assets.

(2) The apportionment of the trust assets required by virtue of this article must be made in every case, after payment of any expenses of administration in accordance with article 6.

Trustee and Vesting

5.—(1) The Diocesan Board is appointed to be the trustee of—

(a) Sections 554 and 556 were amended by Schedule 30 to the School Standards and Framework Act 1998 (c.31).

(b) Section 5(1) was amended by Schedule 37 to the Education Act 1996 (c. 56).

- (a) the foundation;
- (b) the trust assets; and
- (c) the School Fund established by article 4(1)(a).

(2) The Vicar and Churchwardens for the time being of the parish of West Felton are hereby appointed to be the trustees of the Religious Education Fund established by article 4(1)(b).

Administration of foundation

6.—(1) After payment of any expenses of administration, the Diocesan Board must account for that proportion of the capital and income of the trust assets which represent the Religious Education Fund to the trustees of that fund.

(2) The trustees of the Religious Education Fund must apply the income, and may apply the capital of that fund, for educational purposes related to the parish of West Felton in connection with the provision of religious education in accordance with the tenets of the Church of England by means of a Sunday School or otherwise.

(3) The Diocesan Board must hold the School Fund on trust on the terms set out in the Schedule (being the uniform statutory trusts set out in Schedule 36 to Education Act 1996(a)).

Consolidation

7. The School Fund must be consolidated with the Barchester Fund(b) and that fund must be known as the Barchester Fund.

Signed by the authority of the Secretary of State

Louise Whitesman
Deputy Director
Department for Education

3rd May 2018

SCHEDULE

Article 6(3)

1. In this Schedule—

“the area” means the Diocese of Lichfield;

“relevant school” means a voluntary school, a foundation school, an academy school, an alternative provision academy, a city technology college or a city college for the technology of the arts at which religious education in accordance with the tenets of the Church of England is or is to be provided;

“relevant trust assets” means the School Fund;

“trustee” means the Diocesan Board.

2. The trustee may, after payment of any expenses incurred in connection with the administration of the trust, apply the capital and income of the relevant trust assets for any of the following purposes—

(a) in or towards the purchase of a site for, or the erection, improvement or enlargement of, the premises of any relevant school in the area;

(b) for the maintenance of any relevant school in the area;

(a) 1996 c. 56. Schedule 36 was amended by paragraph 10 of Schedule 9 to the Education Act 2005 (c.18).

(b) The Barchester Fund’s trustee is the Diocesan Board. The assets of the Barchester Fund are held under the uniform statutory trusts.

- (c) in or towards the purchase of a site for, or the erection, improvement or enlargement of the premises of a teacher's house for use in connection with any relevant school in the area; and
 - (d) for the maintenance of a teacher's house for use in connection with any relevant school in the area.
3. The trustee may also, after payment of any expenses incurred in connection with the administration of the trust, apply the income of the relevant trust assets for any of the following purposes—
- (a) in or towards the provision of advice, guidance and resources (including materials) in connection with any matter related to the management of, or education provided at, any relevant school in the area;
 - (b) the provision of services for the carrying out of any inspection of any relevant school in the area provided by Part 1 of the Education Act 2005(a); and
 - (c) to defray the cost of employing or engaging staff in connection with—
 - (i) the application of income of the relevant trust assets for either of the purposes referred to in sub-paragraphs (a) and (b) above, or
 - (ii) the application of capital or income of the relevant trust assets for any of the purposes referred to in paragraph 2 above.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints the Lichfield Diocesan Board of Education as trustee of the foundation known as West Felton Church of England Primary School and makes provision as to the use of part of the the endowment of that foundation, namely that relating to the former teacher's house. It creates a separate foundation for the purpose of providing religious education in accordance with the doctrines of the Church of England within the parish of West Felton.

The Order provides for the relevant trust assets to be consolidated with the fund known as the Barchester Fund and held on the uniform statutory trusts as set out in the Schedule to the Order (being the uniform statutory trusts set out in Schedule 36 to the Education Act 1996 as they apply to the relevant trust assets) for the benefit of Church of England voluntary schools, foundation schools, academy schools, alternative provision academies, city technology colleges and city colleges for the technology of the arts in the Diocese of Lichfield.

This Order extinguishes the rights of any beneficiary under the trust which has arisen under section 1 of the Reverter of Sites Act 1987 in respect of the trust assets therein mentioned.

(a) 2005 c. 18.